

SENATE BILL NO. 448

INTRODUCED BY C. CHRISTIAENS, COBB, BISHOP, BOHLINGER, FACEY, FRITZ, GALLIK,
GALVIN-HALCRO, GUTSCHE, HARRINGTON, JUNEAU, SHEA, WANZENRIED

A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING FUNDING FOR TRANSPORTATION SERVICES FOR
SENIOR CITIZENS AND PERSONS WITH DISABILITIES; AUTHORIZING THE DEPARTMENT OF
TRANSPORTATION TO AWARD GRANTS; ESTABLISHING PRIORITIES FOR THE AWARDING OF GRANTS
TO TRANSPORTATION PROVIDERS THAT PROVIDE TRANSPORTATION SERVICES FOR SENIOR CITIZENS
AND PERSONS WITH DISABILITIES; ALLOWING THE DEPARTMENT OF TRANSPORTATION TO AWARD
GRANTS FOR OTHER TRANSPORTATION SERVICES; ~~ALLOCATING 0.5 PERCENT OF THE GASOLINE
LICENSE TAX AND THE SPECIAL FUELS USE TAX TO AN ACCOUNT IN THE STATE SPECIAL REVENUE
FUND; REDUCING THE AMOUNT OF THE GASOLINE TAX OR SPECIAL FUELS USE TAX THAT MAY BE
RETAINED BY THE DISTRIBUTOR AS AN ALLOWANCE FOR COLLECTING THE TAX~~ RAISING THE FEE
FOR PERSONALIZED LICENSE PLATES; DEPOSITING A PORTION OF THE FEE ASSESSING A FEE ON
REGISTRATION OR REREGISTRATION OF VEHICLES; PROVIDING FOR DEPOSIT OF FEE REVENUE IN AN
ACCOUNT IN THE STATE SPECIAL REVENUE FUND; AMENDING SECTIONS ~~15-70-101, 15-70-205, AND
15-70-344 61-3-406 AND 61-3-453~~ 61-3-321, 61-3-332, 61-3-426, 61-3-457, 61-3-510, AND 61-3-562,
MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND AN APPLICABILITY DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

NEW SECTION. **Section 1. Senior citizen and persons with disabilities transportation services
account -- use.** (1) There is a senior citizen and persons with disabilities transportation services account
in the state special revenue fund. Money must be deposited in the account pursuant to ~~15-70-101
61-3-406.~~

(2) Except as provided in subsection (6), the account must be used to provide operating funds to
counties, incorporated cities and towns, transportation districts, or nonprofit organizations for
transportation services for persons 60 years of age or older and for persons with disabilities.

(3) (a) Subject to the conditions of subsection (3)(b), the department of transportation is
authorized to award grants to counties, incorporated cities and towns, transportation districts, and

1 nonprofit organizations for transportation services using guidelines established in the state management
2 plan for the purposes described in 49 U.S.C. 5310 and 5311.

3 (b) Priority for awarding grants must be determined according to the following factors:

4 (i) the most recent census or federal estimate of persons 60 years of age or older and persons
5 with disabilities in the area served by a county, incorporated city or town, transportation district, or
6 nonprofit organization;

7 (ii) the annual number of trips provided by the transportation provider to persons 60 years of age
8 or older and to persons with disabilities in the transportation service area; ~~and~~

9 (iii) the ability of the transportation provider to provide matching money in an amount determined
10 by the department of transportation; AND

11 (IV) THE COORDINATION OF SERVICES AS REQUIRED IN SUBSECTION (5).

12 (4) The department of transportation shall ensure that ~~one-half of the available amount of funding~~
13 ~~is awarded to transportation providers in counties with fewer than 50,000 persons based on the most~~
14 ~~recent census or federal estimate~~ DISTRIBUTED EQUALLY AMONG THE FIVE TRANSPORTATION DISTRICTS PROVIDED
15 IN 2-15-2502.

16 (5) In awarding grants, the department of transportation shall give preference to ~~transportation~~
17 ~~providers that coordinate their transportation services~~ PROPOSALS THAT:

18 (A) INCLUDE THE ESTABLISHMENT OF A TRANSIT AUTHORITY TO COORDINATE SERVICE AREA OR REGIONAL
19 TRANSPORTATION SERVICES;

20 (B) ADDRESS AND DOCUMENT THE TRANSPORTATION NEEDS WITHIN THE COMMUNITY, COUNTY, AND SERVICE
21 AREA OR REGION;

22 (C) IDENTIFY ALL OTHER TRANSPORTATION PROVIDERS IN THE COMMUNITY, COUNTY, AND SERVICE AREA OR
23 REGION;

24 (D) EXPLAIN HOW SERVICES ARE GOING TO BE COORDINATED WITH THE OTHER TRANSPORTATION PROVIDERS IN
25 THE SERVICE AREA OR REGION;

26 (E) INDICATE HOW SERVICES ARE GOING TO BE EXPANDED TO MEET THE UNMET NEEDS OF SENIOR CITIZENS AND
27 DISABLED PERSONS WITHIN THE COMMUNITY, COUNTY, AND SERVICE AREA OR REGION WHO ARE DEPENDENT UPON PUBLIC
28 TRANSIT;

29 (F) INCLUDE DOCUMENTATION OF COORDINATION WITH OTHER LOCAL TRANSPORTATION PROGRAMS WITHIN THE
30 COMMUNITY, COUNTY, AND SERVICE AREA OR REGION, INCLUDING:

1 (i) UTILIZATION OF EXISTING RESOURCES AND EQUIPMENT TO MAXIMIZE THE DELIVERY OF SERVICE; AND

2 (ii) THE PROJECTED INCREASE IN RIDERSHIP AND EXPANSION OF SERVICE;

3 (G) INVITE SCHOOL DISTRICTS TO PARTICIPATE OR BE INCLUDED IN THE TRANSPORTATION COORDINATION EFFORTS

4 WITHIN THE COMMUNITY, COUNTY, AND SERVICE AREA OR REGION; AND

5 (H) AT A MINIMUM, COMPLY WITH THE PROVISIONS IN SUBSECTIONS (5)(B) THROUGH (5)(F).

6 (6) Any amount of money remaining after grants have been awarded to transportation providers
7 who provide transportation services for persons 60 years of age or older and persons with disabilities may
8 be awarded to other transportation providers for operating costs for the purposes described in 49 U.S.C.
9 5311 other than for transportation services for persons 60 years of age or older or persons with
10 disabilities.

11
12 ~~Section 2. Section 15-70-101, MCA, is amended to read:~~

13 ~~"15-70-101. Disposition of funds. (1) (a) All Except as provided in subsection (1)(b), all taxes~~
14 ~~collected under this chapter must, in accordance with the provisions of 15-1-501, be placed in a highway~~
15 ~~revenue account in the state special revenue fund to the credit of the department of transportation.~~
16 ~~Beginning July 1, 2001, all interest and income earned on the account must be deposited to the credit of~~
17 ~~the account and any unexpended balance in the account must remain in the account. Those funds~~
18 ~~allocated to cities, towns, counties, and consolidated city-county governments in this section must, in~~
19 ~~accordance with the provisions of 15-1-501, be paid by the department of transportation from the state~~
20 ~~special revenue fund to the cities, towns, counties, and consolidated city-county governments.~~

21 ~~(b) The department shall deposit, in accordance with the provisions of 15-1-501, 0.5% of the tax~~
22 ~~collected under 15-70-204, 15-70-321, and 15-70-343 in the senior citizen and persons with disabilities~~
23 ~~transportation services account in the state special revenue fund provided for in [section 1]. Money is~~
24 ~~allocated to the department for carrying out the purposes described in [section 1].~~

25 ~~(2) The amount of \$16,766,000 of the taxes collected under this chapter is statutorily~~
26 ~~appropriated, as provided in 17-7-502, to the department of transportation and must be allocated each~~
27 ~~fiscal year on a monthly basis to the counties, incorporated cities and towns, and consolidated city-county~~
28 ~~governments in Montana for construction, reconstruction, maintenance, and repair of rural roads and city~~
29 ~~or town streets and alleys, as provided in subsections (2)(a) through (2)(c):~~

30 ~~(a) The amount of \$54,000 must be designated for the purposes and functions of the Montana~~

1 ~~local technical assistance transportation program in Bozeman.~~

2 ~~—— (b) The amount of \$6,323,000 must be divided among the various counties in the following~~

3 ~~manner:~~

4 ~~—— (i) 40% in the ratio that the rural road mileage in each county, exclusive of the national highway~~

5 ~~system and the primary system, bears to the total rural road mileage in the state, exclusive of the national~~

6 ~~highway system and the primary system;~~

7 ~~—— (ii) 40% in the ratio that the rural population in each county outside incorporated cities and towns~~

8 ~~bears to the total rural population in the state outside incorporated cities and towns;~~

9 ~~—— (iii) 20% in the ratio that the land area of each county bears to the total land area of the state.~~

10 ~~—— (c) The amount of \$10,389,000 must be divided among the incorporated cities and towns in the~~

11 ~~following manner:~~

12 ~~—— (i) 50% of the sum in the ratio that the population within the corporate limits of the city or town~~

13 ~~bears to the total population within corporate limits of all the cities and towns in Montana;~~

14 ~~—— (ii) 50% in the ratio that the city or town street and alley mileage, exclusive of the national~~

15 ~~highway system and the primary system, within corporate limits bears to the total street and alley mileage,~~

16 ~~exclusive of the national highway system and primary system, within the corporate limits of all cities and~~

17 ~~towns in Montana.~~

18 ~~—— (3) (a) For the purpose of allocating the funds in subsections (2)(b) and (2)(c) to a consolidated~~

19 ~~city-county government, each entity must be considered to have separate city and county boundaries. The~~

20 ~~city limit boundaries are the last official city limit boundaries for the former city unless revised boundaries~~

21 ~~based on the location of the urban area have been approved by the department of transportation and must~~

22 ~~be used to determine city and county populations and road mileages in the following manner:~~

23 ~~—— (i) Percentage factors must be calculated to determine separate populations for the city and rural~~

24 ~~county by using the last official decennial federal census population figures that recognized an incorporated~~

25 ~~city and the rural county. The factors must be based on the ratio of the city to the rural county population,~~

26 ~~considering the total population in the county minus the population of any other incorporated city or town~~

27 ~~in the county.~~

28 ~~—— (ii) The city and county populations must be calculated by multiplying the total county population,~~

29 ~~as determined by the latest official decennial census or the latest interim year population estimates from~~

30 ~~the Montana department of commerce as supplied by the United States bureau of the census, minus the~~

~~population of any other incorporated city or town in that county, by the factors established in subsection (3)(a)(i).~~

~~—— (b) The amount allocated by this method for the city and the county must be combined, and single monthly payments must be made to the consolidated city-county government.~~

~~—— (4) All Except as provided in subsection (1)(b), all funds allocated by this section to counties, cities, towns, and consolidated city-county governments must be used for the construction, reconstruction, maintenance, and repair of rural roads or city or town streets and alleys or for the share that the city, town, county, or consolidated city-county government might otherwise expend for proportionate matching of federal funds allocated for the construction of roads or streets that are part of the primary or secondary highway system or urban extensions to those systems. The governing body of a town or third-class city, as defined in 7-1-4111, may each year expend no more than 25% of the funds allocated to that town or third-class city for the purchase of capital equipment and supplies to be used for the maintenance and repair of town or third-class city streets and alleys.~~

~~—— (5) All funds allocated by this section to counties, cities, towns, and consolidated city-county governments must be disbursed to the lowest responsible bidder according to applicable bidding procedures followed in all cases in which the contract for construction, reconstruction, maintenance, or repair is in excess of \$4,000.~~

~~—— (6) For the purposes of this section in which distribution of funds is made on a basis related to population, the population must be determined annually for counties and biennially for cities according to the latest official decennial census or the latest interim year population estimates from the Montana department of commerce as supplied by the United States bureau of the census.~~

~~—— (7) For the purposes of this section in which determination of mileage is necessary for distribution of funds, it is the responsibility of the cities, towns, counties, and consolidated city-county governments to furnish to the department of transportation a yearly certified statement indicating the total mileage within their respective areas applicable to this chapter. All mileage submitted is subject to review and approval by the department of transportation.~~

~~—— (8) Except by a town or third-class city as provided in subsection (4), the funds authorized by this section may not be used for the purchase of capital equipment.~~

~~—— (9) Funds authorized by this section must be used for construction and maintenance programs."~~

1 ~~Section 3. Section 15-70-205, MCA, is amended to read:~~

2 ~~"15-70-205. (Temporary) Distributor's statement and payment -- confidentiality. (1) Each~~
3 ~~distributor shall, not later than the 25th day of each calendar month, except as provided in 15-70-113(3),~~
4 ~~render a true signed statement to the department of all gasoline distributed and received by the distributor~~
5 ~~in this state during the preceding calendar month and containing any other information that the department~~
6 ~~may reasonably require in order to administer the gasoline license tax law. The statement must be~~
7 ~~accompanied by a payment in an amount equal to the tax imposed by 15-70-204 less any refund credit~~
8 ~~issued under 15-70-226 and less 1% 0.5% of the total tax that may be deducted by the distributor as an~~
9 ~~allowance for collecting the tax. An allowance may not be deducted from the 4-cent tax on aviation fuel.~~

10 ~~(2) A distributor engaged in or carrying on a business at more than one place or location in this~~
11 ~~state may include all places of business in one statement.~~

12 ~~(3) The department or a deputy, assistant, agent, clerk, or other employee of the department may~~
13 ~~not publish or otherwise disseminate information contained in a statement required under this section in~~
14 ~~a form that allows identification of a distributor or a purchaser of gasoline. This section does not prohibit:~~

15 ~~(a) the delivery to a distributor or the distributor's authorized representative of a certified copy of~~
16 ~~any return or report filed in connection with the tax;~~

17 ~~(b) the inspection by the attorney general or other legal representative of the state of the report~~
18 ~~or return of a distributor who brings an action to set aside or review the tax based on the report or return~~
19 ~~or against whom an action or proceeding has been instituted in accordance with the provisions of Title 15;~~

20 ~~(c) the publication of statistics classified to prevent the identification of particular reports or~~
21 ~~returns and the items in the reports or returns;~~

22 ~~(d) the inspection by the commissioner of internal revenue of the United States or the proper~~
23 ~~officer or any representative of either officer of the report or return of any distributor or the furnishing to~~
24 ~~the officer or authorized representative of an abstract of the report or return, but permission must be~~
25 ~~granted or information must be furnished to the officer or the officer's representative if the statutes of the~~
26 ~~United States or the other state grant substantially similar privileges to the proper officer of this state~~
27 ~~charged with the administration of this chapter or must be in compliance with 15-70-121 and 15-70-122;~~
28 ~~or~~

29 ~~(e) the compliance of the department with any order of a court of competent jurisdiction.~~

30 ~~(Terminates on occurrence of contingency--sec. 17, Ch. 642, L. 1993.)~~

~~15-70-205. (Effective on occurrence of contingency) Distributor's statement and payment --~~

~~confidentiality. (1) Each distributor shall, not later than the 25th day of each calendar month, except as provided in 15-70-113(3), render a true signed statement to the department of all gasoline distributed and received by the distributor in this state during the preceding calendar month and containing any other information that the department may reasonably require in order to administer the gasoline license tax law. The statement must be accompanied by a payment in an amount equal to the tax imposed by 15-70-204 less any refund credit issued under 15-70-226 and less 1% 0.5% of the total tax that may be deducted by the distributor as an allowance for collecting the tax. An allowance may not be deducted from the 3-cent tax on aviation fuel.~~

~~(2) A distributor engaged in or carrying on a business at more than one place or location in this state may include all places of business in one statement.~~

~~(3) The department or a deputy, assistant, agent, clerk, or other employee of the department may not publish or otherwise disseminate information contained in a statement required under this section in a form that allows identification of a distributor or a purchaser of gasoline. This section does not prohibit:~~

~~(a) the delivery to a distributor or the distributor's authorized representative of a certified copy of any return or report filed in connection with the tax;~~

~~(b) the inspection by the attorney general or other legal representative of the state of the report or return of a distributor who brings an action to set aside or review the tax based on the report or return or against whom an action or proceeding has been instituted in accordance with the provisions of Title 15;~~

~~(c) the publication of statistics classified to prevent the identification of particular reports or returns and the items in the reports or returns;~~

~~(d) the inspection by the commissioner of internal revenue of the United States or the proper officer or any representative of either officer of the report or return of any distributor or the furnishing to the officer or authorized representative of an abstract of the report or return, but permission must be granted or information must be furnished to the officer or the officer's representative if the statutes of the United States or the other state grant substantially similar privileges to the proper officer of this state charged with the administration of this chapter or must be in compliance with 15-70-121 and 15-70-122;~~

~~or~~

~~(e) the compliance of the department with any order of a court of competent jurisdiction."~~

~~Section 4. Section 15-70-344, MCA, is amended to read:~~

~~"15-70-344. Distributor's statement and payment -- confidentiality. (1) Each distributor shall, not later than the 25th day of each calendar month, except as provided in 15-70-113(3), render to the department of transportation a signed statement that specifies all special fuel distributed and received by the distributor in this state during the preceding calendar month and that contains other information the department may reasonably require in order to administer the special fuel license tax law. The statement must be accompanied by a payment in an amount equal to the tax imposed by 15-70-343, less any refund credit issued under 15-70-356 and less 1% 0.5% of the total tax that may be deducted by the distributor as an allowance for collection.~~

~~(2) A distributor engaged in or carrying on a business at more than one location in this state may include all places of business in one statement.~~

~~(3) The department or a deputy, assistant, agent, clerk, or other employee of the department may not publish or otherwise disseminate information contained in a statement required under this section in a form that allows identification of a distributor or a purchaser of special fuel. This section does not prohibit:~~

~~(a) the delivery to a distributor or a distributor's authorized representative of a certified copy of any return or report filed in connection with the distributor's tax;~~

~~(b) the inspection by the attorney general or by another legal representative of the state of the report or return of a distributor who brings an action to set aside or review the tax based on the report or return or against whom an action or proceeding has been instituted in accordance with the provisions of Title 15;~~

~~(c) the publication of statistics classified to prevent the identification of particular reports or returns and the items in the reports or returns;~~

~~(d) the inspection by the commissioner of internal revenue of the United States or by the proper officer of any state imposing a tax on special fuel or by any representative of either officer of the report or return of any distributor or the furnishing to the officer or authorized representative of an abstract of the report or return, but permission must be granted or information must be furnished to the officer or the officer's representative only if the statutes of the United States or the other state grant substantially similar privileges to the proper officer of this state charged with the administration of this chapter or in compliance with 15-70-121 and 15-70-122; or~~

1 ~~_____ (e) the compliance of the department with any order of a court of competent jurisdiction."~~

2

3 ~~_____ **SECTION 2. SECTION 61-3-406, MCA, IS AMENDED TO READ:**~~

4 ~~_____ **"61-3-406. Fees for personalized plates -- disposition.** (1) In addition to all other fees and taxes~~
5 ~~imposed by law, the applicant for a personalized license plate shall pay a fee of \$25 \$28 for the original~~
6 ~~personalized license plate and a fee of \$10 \$13 for each transfer or renewal thereof of a personalized~~
7 ~~license plate.~~

8 ~~_____ (2) The revenue derived from the fee as provided herein in this section must be deposited as~~
9 ~~follows:~~

10 ~~_____ (a) \$5 of the application fee and \$5 of the transfer or renewal fee in the county general fund; and~~

11 ~~_____ (b) \$20 of the application fee and \$5 of the transfer or renewal fee in the state general fund; and~~

12 ~~_____ (c) \$3 of the application fee and \$3 of the transfer or renewal fee in the senior citizen and persons~~
13 ~~with disabilities transportation services account provided for in [section 1]."~~

14

15 ~~_____ **SECTION 3. SECTION 61-3-453, MCA, IS AMENDED TO READ:**~~

16 ~~_____ **"61-3-453. Disabled veterans' plates limited to one automobile or truck -- personalized plates.** (1)~~
17 ~~A disabled veteran is not entitled to special license plates for disabled veterans under 61-3-332(10)(c)(i)(A)~~
18 ~~or 61-3-426(2) for more than one passenger automobile or one truck up to and including 1 ton GVW-rated~~
19 ~~capacity.~~

20 ~~_____ (2) Upon submitting the application provided for in 61-3-405 and payment of the \$25 \$28 fee~~
21 ~~provided for in 61-3-406, a disabled veteran must receive personalized disabled veteran license plates."~~

22

23 ~~_____ **SECTION 2. SECTION 61-3-321, MCA, IS AMENDED TO READ:**~~

24 ~~_____ **"61-3-321. Registration fees of vehicles -- certain vehicles exempt from license or registration fees**~~
25 ~~**-- disposition of fees.** (1) Registration or license fees must be paid upon registration or reregistration of~~
26 ~~motor vehicles, trailers, housetrailer, and semitrailers, in accordance with this chapter, as follows:~~

27 ~~_____ (a) motor vehicles weighing 2,850 pounds or under (other than motortrucks), \$5;~~

28 ~~_____ (b) motor vehicles weighing over 2,850 pounds (other than motortrucks), \$10;~~

29 ~~_____ (c) electrically driven passenger vehicles, \$10;~~

30 ~~_____ (d) all motorcycles and quadricycles, \$2;~~

1 (e) tractors or trucks, \$10;

2 (f) buses, which are classed as motortrucks, licensed accordingly;

3 (g) trailers and semitrailers less than 2,500 pounds declared weight and housetrailers of all
4 weights, \$2;

5 (h) trailers and semitrailers over 2,500 up to 6,000 pounds declared weight (except housetrailers),
6 \$5;

7 (i) trailers and semitrailers over 6,000 pounds declared weight, \$10, except trailers and
8 semitrailers registered in other jurisdictions through a proportional registration agreement;

9 (j) trailers used exclusively in the transportation of logs in the forest or in the transportation of oil
10 and gas well machinery, road machinery, or bridge materials, new and secondhand, \$15 annually,
11 regardless of size or capacity.

12 (2) All rates are 25% higher for motor vehicles, trailers, and semitrailers that are not equipped with
13 pneumatic tires.

14 (3) "Tractor", as specified in this section, means any motor vehicle, except a passenger car, that
15 is used for towing a trailer or semitrailer.

16 (4) If a motor vehicle, housetrailer, trailer, or semitrailer is originally registered 6 months after the
17 time of registration as set by law, the registration or license fee for the remainder of the year is one-half
18 of the regular fee except for trailers or semitrailers registered as provided in 61-3-721(6).

19 (5) An additional fee of \$5.25 a year for each registration of a vehicle, except trailers and
20 semitrailers registered in other jurisdictions and registered through a proportional registration agreement,
21 must be collected as a registration fee. Revenue from this fee must be forwarded by the respective county
22 treasurers to the state treasurer for deposit in the general fund. The department shall pay an amount equal
23 to 25 cents from each motor vehicle registration fee from the general fund to the pension trust fund for
24 payment of supplemental benefits provided for in 19-6-709.

25 (6) Except as provided in 61-3-562, a fee of 25 cents a year for each registration of a vehicle,
26 except trailers and semitrailers registered in other jurisdictions and registered through a proportional
27 registration agreement, must be collected when a vehicle is registered or reregistered. The revenue derived
28 from this fee must be forwarded by the county treasurer for deposit in the state special revenue fund to
29 the credit of the senior citizens and persons with disabilities transportation services account provided for
30 in [section 1].

~~(6)~~(7) A fee of \$2 for each set of new number plates must be collected when number plates provided for under 61-3-332(3) are issued. Revenue from this fee must be deposited as provided in subsection (5).

~~(7)~~(8) The provisions of this part with respect to the payment of registration fees do not apply to and are not binding upon motor vehicles, trailers, semitrailers, or tractors owned or controlled by the United States of America or any state, county, city, or special district, as defined in 18-8-202.

~~(8)~~(9) The provisions of this section relating to the payment of registration fees or new number plate fees do not apply when number plates are transferred to a replacement vehicle under 61-3-317, 61-3-332, or 61-3-335.

~~(9)~~(10) A person qualifying under 61-3-332(10)(d) or 61-3-504 is exempt from the fees required under subsections (1), ~~and~~ (5), and (6) of this section. (See compiler's comments for contingent termination of certain text.)"

SECTION 3. SECTION 61-3-332, MCA, IS AMENDED TO READ:

"61-3-332. Number plates. (1) A motor vehicle that is driven upon the streets or highways of Montana must display both front and rear number plates, bearing the distinctive number assigned to the vehicle. The number plates are in 10 series: one series for owners of motorcars, one for owners of motor vehicles of the motorcycle or quadricycle type, one for trailers, one for trucks, one for dealers in vehicles of the motorcycle or quadricycle type that bears the distinctive letters "MCD" or the letters "MC" and the word "DEALER", one for franchised dealers in new motorcars (including trucks and trailers) or new and used motorcars (including trucks and trailers) that bears the distinctive letter "D" or the word "DEALER", one for dealers in used motorcars only (including used trucks and trailers) that bears the distinctive letters "UD" or the letter "U" and the word "DEALER", one for dealers in trailers and/or semitrailers (new or used) that bears the distinctive letters "DTR" or the letters "TR" and the word "DEALER", one for dealers in recreational vehicles that bears the distinctive letters "RV" or the letter "R" and the word "DEALER", and one for special license plates. All markings for the various kinds of dealers' plates must be placed on the number plates assigned to the dealer, in the position that the department designates.

(2) (a) All number plates for motor vehicles must be issued for a maximum period of 4 years, bear a distinctive marking, and be furnished by the state. In years when number plates are not issued, the department shall provide nonremovable stickers bearing appropriate registration numbers that must be

1 affixed to the license plates in use.

2 (b) For light vehicles that are permanently registered as provided in 61-3-527 or 61-3-562, the
3 department shall provide distinctive nonremovable stickers indicating that the vehicle is permanently
4 registered. The stickers must be affixed to the license plates in use.

5 (3) (a) Subject to the provisions of this section, the department shall create a new design for
6 number plates as provided in this section, and it shall manufacture the newly designed number plates for
7 issuance after December 31, 1999, to replace at renewal, as required in 61-3-312 and 61-3-314, number
8 plates that were displayed on motor vehicles before that date.

9 (b) Beginning January 1, 2000, the department shall manufacture and issue new number plates
10 every 4 years.

11 (4) In the case of motorcars and trucks, plates must be of metal 6 inches wide and 12 inches in
12 length. The outline of the state of Montana must be used as a distinctive border on the license plates, and
13 the word "Montana" and the year must be placed across the plates. Registration plates must be treated
14 with a reflectorized background material according to specifications prescribed by the department.

15 (5) The distinctive registration numbers must begin with a number one or with a letter-number
16 combination, such as "A 1" or "AA 1", or any other similar combination of letters and numbers. The
17 distinctive registration number or letter-number combination assigned to the vehicle must appear on the
18 plate preceded by the number of the county and appearing in horizontal order on the same horizontal
19 baseline. The county number must be separated from the distinctive registration number by a separation
20 mark unless a letter-number combination is used. The dimensions of the numerals and letters must be
21 determined by the department, and all county and registration numbers must be of equal height.

22 (6) For the use of exempt motor vehicles and motor vehicles that are exempt from the registration
23 fee as provided in 61-3-560(2)(a), in addition to the markings provided in this section, number plates must
24 bear the following distinctive markings:

25 (a) For vehicles owned by the state, the department may designate the prefix number for the
26 various state departments. All numbered plates issued to state departments must bear the words "State
27 Owned", and a year number may not be indicated on the plates because these numbered plates are of a
28 permanent nature and will be replaced by the department only when the physical condition of numbered
29 plates requires it.

30 (b) For vehicles that are owned by the counties, municipalities, and special districts, as defined

1 in 18-8-202, organized under the laws of Montana and not operating for profit, and that are used and
2 operated by officials and employees in the line of duty and for vehicles on loan from the United States
3 government or the state of Montana to, or owned by, the civil air patrol and used and operated by officials
4 and employees in the line of duty, there must be placed on the number plates assigned, in a position that
5 the department may designate, the letter "X" or the word "EXEMPT". Distinctive registration numbers for
6 plates assigned to motor vehicles of each of the counties in the state and those of the municipalities and
7 special districts that obtain plates within each county must begin with number one and be numbered
8 consecutively. Because these number plates are of a permanent nature, they are subject to replacement
9 by the department only when the physical condition of the number plates requires it and a year number
10 may not be displayed on the number plates.

11 (7) On all number plates assigned to motor vehicles of the truck and trailer type, other than
12 tax-exempt trucks and tax-exempt trailers, there must appear the letter "T" or the word "TRUCK" on
13 plates assigned to trucks and the letters "TR" or the word "TRAILER" on plates assigned to trailers and
14 housetrailer. The letters "MC" or the word "CYCLE" must appear on plates assigned to vehicles of the
15 motorcycle or quadricycle type.

16 (8) Number plates issued to a passenger car, truck, trailer, or vehicle of the motorcycle or
17 quadricycle type may be transferred only to a replacement passenger car, truck, trailer, or motorcycle- or
18 quadricycle-type vehicle. A registration or license fee may not be assessed upon a transfer of a number
19 plate under 61-3-317 and 61-3-335.

20 (9) For the purpose of this chapter, the several counties of the state are assigned numbers as
21 follows: Silver Bow, 1; Cascade, 2; Yellowstone, 3; Missoula, 4; Lewis and Clark, 5; Gallatin, 6; Flathead,
22 7; Fergus, 8; Powder River, 9; Carbon, 10; Phillips, 11; Hill, 12; Ravalli, 13; Custer, 14; Lake, 15;
23 Dawson, 16; Roosevelt, 17; Beaverhead, 18; Chouteau, 19; Valley, 20; Toole, 21; Big Horn, 22;
24 Musselshell, 23; Blaine, 24; Madison, 25; Pondera, 26; Richland, 27; Powell, 28; Rosebud, 29; Deer
25 Lodge, 30; Teton, 31; Stillwater, 32; Treasure, 33; Sheridan, 34; Sanders, 35; Judith Basin, 36; Daniels,
26 37; Glacier, 38; Fallon, 39; Sweet Grass, 40; McCone, 41; Carter, 42; Broadwater, 43; Wheatland, 44;
27 Prairie, 45; Granite, 46; Meagher, 47; Liberty, 48; Park, 49; Garfield, 50; Jefferson, 51; Wibaux, 52;
28 Golden Valley, 53; Mineral, 54; Petroleum, 55; Lincoln, 56. Any new counties must be assigned numbers
29 by the department as they may be formed, beginning with the number 57.

30 (10) Each type of special license plate approved by the legislature, except collegiate license plates

1 authorized in 61-3-463, must be a separate series of plates, numbered as provided in subsection (5),
2 except that the county number must be replaced by a nonremovable design or decal designating the group
3 or organization to which the applicant belongs. Unless otherwise specifically stated in this section, the
4 special plates are subject to the same rules and laws as govern the issuance of regular license plates, must
5 be placed or mounted on a vehicle owned by the person who is eligible to receive them, and must be
6 removed upon sale or other disposition of the vehicle. The special license plates must be issued to national
7 guard members, former prisoners of war, persons with disabilities, reservists, disabled veterans, survivors
8 of the Pearl Harbor attack, veterans of the armed services, national guard veterans, legion of valor
9 members, or veterans of the armed services who were awarded the purple heart medal, who comply with
10 the following provisions:

11 (a) (i) An active member of the Montana national guard may be issued special license plates with
12 a design or decal displaying the letters "NG". The adjutant general shall issue to each active member of
13 the Montana national guard a certificate authorizing the department to issue national guard plates,
14 numbered in sets of two with a different number on each set, and the member shall surrender the plates
15 to the department upon becoming ineligible to use them.

16 (ii) The department may issue national guard veteran plates, bearing a design or decal displaying
17 the Montana national guard insignia and the words "National Guard veteran" and numbered in sets of two
18 with a different number on each set, to an applicant who presents to the department a copy of certification
19 of national guard retirement eligibility issued by the appropriate authorities for the applicant or the
20 applicant's deceased spouse and who pays, in addition to all taxes and fees required by parts 3 and 5 of
21 this chapter, a national guard veteran license plate fee of \$10. The additional fee must be distributed in
22 accordance with the provisions of subsection (10)(f)(iii) and (10)(f)(iv).

23 (b) An active member of the reserve armed forces of the United States of America who is a
24 resident of this state may be issued special license plates with a design or decal displaying the following:
25 United States army reserve, AR (symbol); United States naval reserve, NR (anchor); United States air force
26 reserve, AFR (symbol); and United States marine corps reserve, MCR (globe and anchor). The commanding
27 officer of each armed forces reserve unit shall issue to each eligible member of the reserve unit a
28 certificate authorizing the issuance of special license plates, numbered in sets of two with a different
29 number on each set. The member shall surrender the plates to the department upon becoming ineligible
30 to use them.

(c) (i) A resident of Montana who is a veteran of the armed forces of the United States and who is 100% disabled because of an injury that has been determined by the department of veterans affairs to be service-connected may, upon presentation to the department of proof of the 100% disability, be issued:

(A) a special license plate under this section with a design or decal displaying the letters "DV";
or

(B) one set of any other military-related plates that the disabled veteran is eligible to receive under this section.

(ii) The fee for original or renewal registration by a 100% disabled veteran for a passenger vehicle or a truck with a GVW-rated capacity of 1 ton or less is \$5 and is in lieu of all other fees and taxes for that vehicle under this chapter.

(iii) Special license plates issued to a disabled veteran are not transferable to another person.

(iv) A disabled veteran is not entitled to a special disabled veteran's license plate for more than one vehicle.

(v) A vehicle lawfully displaying a disabled veteran's plate and that is conveying a 100% disabled veteran is entitled to the parking privileges allowed a person with a disability's vehicle under this title.

(d) A Montana resident who is a veteran of the armed forces of the United States and was captured and held prisoner by a military force of a foreign nation, documented by the veteran's service record, may upon application and presentation of proof be issued special license plates, numbered in sets of two with a different number on each set, with a design or decal displaying the words "ex-prisoner of war" or an abbreviation that the department considers appropriate.

(i) Fees required under 61-3-321(1), ~~and (5), and (6)~~ may not be assessed upon one set of license plates issued to an ex-prisoner of war under this subsection (10)(d).

(ii) A special license plate fee may not be assessed upon one set of special license plates issued to an ex-prisoner of war under this subsection (10)(d).

(iii) An ex-prisoner of war is exempt from the light vehicle taxes imposed under 61-3-504 for one vehicle that displays a set of ex-prisoner of war license plates.

(iv) A surviving spouse of an ex-prisoner of war may retain the special license plates that have been issued to the ex-prisoner of war if the spouse complies with the provisions of 61-3-457.

(e) Except as provided in subsections (10)(c) and (10)(d), upon payment of all taxes and fees required by parts 3 and 5 of this chapter and upon furnishing proof satisfactory to the department that the

applicant meets the requirements of this subsection (10)(e), the department shall issue to a Montana resident who is a veteran of the armed services of the United States special license plates, numbered in sets of two with a different number on each set, designed to indicate that the applicant is a survivor of the Pearl Harbor attack if the applicant was a member of the United States armed forces on December 7, 1941, was on station on December 7, 1941, during the hours of 7:55 a.m. to 9:45 a.m. (Hawaii time) at Pearl Harbor, the island of Oahu, or was offshore at a distance of not more than 3 miles, and received an honorable discharge from the United States armed forces. If special license plates issued under subsection (10)(d) and this subsection are lost, stolen, or mutilated, the recipient of the plates is entitled to replacement plates upon request and without charge.

(f) A motor vehicle owner and resident of this state who is a veteran or the surviving spouse of a veteran of the armed services of the United States may be issued license plates inscribed as provided in subsection (10)(f)(i) if the veteran was separated from the armed services under other than dishonorable circumstances or was awarded the purple heart medal:

(i) Upon submission of a department of defense form 214(DD-214) or its successor or documents showing an other-than-dishonorable discharge or a reenlistment, proper identification, and other relevant documents to show an applicant's qualification under this subsection, there must be issued to the applicant, in lieu of the regular license plates prescribed by law, special license plates numbered in sets of two with a different number on each set. The plates must display:

(A) the word "VETERAN" and a symbol signifying the United States army, United States navy, United States air force, United States marine corps, or United States coast guard, according to the record of service verified in the application; or

(B) a symbol representing the purple heart medal.

(ii) Plates must be furnished by the department to the county treasurer, who shall issue them to a qualified veteran or to the veteran's surviving spouse. The plates must be placed or mounted on the vehicle owned by the veteran or the veteran's surviving spouse designated in the application and must be removed upon sale or other disposition of the vehicle.

(iii) Except as provided in subsections (10)(c) and (10)(d), a veteran or surviving spouse who receives special license plates under this subsection (10)(f) is liable for payment of all taxes and fees required under parts 3 and 4 of this chapter and a special veteran's or purple heart medal license plate fee of \$10. Upon an original application for a license under this subsection (10)(f), the county treasurer shall:

(A) deposit \$3 of the special fee in the county general fund;

(B) remit \$1 for deposit in the state general fund; and

(C) deposit the remainder of the special fee in the state special revenue account established in 10-2-603 for administration, construction, operation, and maintenance of the state veterans' cemeteries.

(iv) Upon subsequent annual renewal of registration, the county treasurer shall deposit all of the special fee as provided in subsection (10)(f)(iii)(C).

(g) A Montana resident who is eligible to receive a special parking permit under 49-4-301 may, upon written application on a form prescribed by the department, be issued a special license plate with a design or decal bearing a representation of a wheelchair as the symbol of a person with a disability.

(h) The department may issue legion of valor license plates, bearing a design or decal depicting the recognized legion of valor medallion and numbered in sets of two with a different number on each set, to an applicant who presents to the department proper documentation of receipt of a legion of valor award by appropriate authorities to the applicant or the applicant's deceased spouse and who pays all taxes and fees required by parts 3 and 5 of this chapter.

(11) The provisions of this section do not apply to a motor vehicle, trailer, or semitrailer that is registered as part of a fleet, as defined in 61-3-712, and that is subject to the provisions of 61-3-711 through 61-3-733."

SECTION 4. SECTION 61-3-426, MCA, IS AMENDED TO READ:

"61-3-426. Combined license plates. (1) An application for license plates for amateur radio operators may be combined with an application for the special license plates issued to veterans of the armed services who comply with the provisions in 61-3-332(10)(d), (10)(e), and (10)(f) or with an application for special license plates issued to a person with a disability who complies with the provisions in 61-3-332(10)(g). The applicant for the combined license plates is liable for the payment of all taxes and fees applicable to regular motor vehicle license plates and shall pay an additional fee of \$5 for the original issuance as provided in 61-3-422.

(2) An application for license plates for amateur radio operators may be combined with an application for license plates for disabled veterans as provided in 61-3-332(10)(c). The fees for the registration of the combined license plates are the fees provided for in 61-3-332(10)(c) and in 61-3-422. The fees are in lieu of all other fees and taxes for that vehicle under this chapter.

(3) An application for license plates for amateur radio operators may be combined with an application for license plates for ex-prisoners of war as provided in 61-3-332(10)(d). The fees required under 61-3-321(1), ~~and (5)~~, AND (6) may not be assessed upon one set of combination license plates issued to an ex-prisoner of war. An ex-prisoner of war receiving combination license plates under this section is liable for the fees required under 61-3-422.

(4) The combined license plates must be stamped with the official amateur radio call letters of the owner as assigned to the owner by the federal communications commission. The plates must also be stamped with the design or decal provided for in 61-3-332(10)(c), (10)(d), (10)(e), (10)(f), or (10)(g)."

SECTION 5. SECTION 61-3-457, MCA, IS AMENDED TO READ:

"61-3-457. Ex-prisoner of war license plates transferable to spouse -- conditions. Upon the death of an ex-prisoner of war and providing that the surviving spouse does not remarry, the spouse of an ex-prisoner of war may retain and renew the one set of special license plates issued under 61-3-332(10)(d) and is not liable for light vehicle taxes under 61-3-504, for the fees required under 61-3-321(1), ~~and (5)~~, and (6), or for the special license plate fees required under 61-3-332."

SECTION 6. SECTION 61-3-510, MCA, IS AMENDED TO READ:

"61-3-510. Weed control fee. (1) A special weed control fee of \$1.50 must be assessed on the annual registration or reregistration of each motor vehicle subject to registration. The fee must be collected by the county treasurer.

(2) For purposes of this section, motor vehicle includes:

- (a) a motor vehicle as defined in 61-1-102;
- (b) a motorcycle as defined in 61-1-105;
- (c) a motor-driven cycle as defined in 61-1-106; and
- (d) a quadricycle as defined in 61-1-133.

(3) The following vehicles are exempt from the fee:

- (a) vehicles owned or controlled by the United States or a state, county, city, or special district, as defined in 18-8-202;
- (b) vehicles exempt from payment of registration fees by 61-3-321~~(8)~~(9); and
- (c) vehicles or equipment that is not self-propelled or that requires towing when moved upon a

1 highway of this state."

2

3 **SECTION 7. SECTION 61-3-562, MCA, IS AMENDED TO READ:**

4 **"61-3-562. Permanent registration -- transfer of vehicle ownership -- rules.** (1) (a) The owner of
5 a light vehicle 11 years old or older subject to the registration fee, as provided in 61-3-561, may
6 permanently register the vehicle upon payment of a \$50 registration fee, the applicable registration and
7 license fees under 61-3-321, and an amount equal to five times the applicable fees imposed for each of
8 the following:

9 (i) junk vehicle disposal fees under 61-3-508;

10 (ii) weed control fees under 61-3-510;

11 (iii) county motor vehicle computer fees under 61-3-511;

12 (iv) the local option vehicle tax or flat fee on vehicles under 61-3-537;

13 (v) if applicable, license plate fees under 61-3-332 and renewal fees for personalized plates under
14 61-3-406;

15 (vi) if applicable, the amateur radio operator license plate fee under 61-3-422; ~~and~~

16 (vii) if applicable, the annual scholarship donation fee under 61-3-465; and

17 (viii) senior citizens and persons with disabilities transportation services fees as provided in
18 61-3-321(6).

19 (b) A person who permanently registers a vehicle as provided in subsection (1)(a) shall pay an
20 additional \$2 fee at the time of registration for deposit in the state general fund. The department shall pay
21 from the general fund an amount equal to the \$2 fee collected under this subsection (1)(b) from each
22 motor vehicle registration to the pension trust fund for payment of supplemental benefits provided for in
23 19-6-709.

24 (2) In addition to the fees described in subsection (1), an owner of a truck with a manufacturer's
25 rated capacity of 1 ton or less that is permanently registered shall pay five times the applicable fees
26 imposed under 61-10-201.

27 (3) The owner of a vehicle that is permanently registered under this section is not subject to
28 additional fees under 61-3-561 or to other motor vehicle registration fees described in this section for as
29 long as the owner owns the vehicle.

30 (4) The county treasurer shall:

(a) disburse the \$50 registration fee collected under this section as provided in 61-3-509;

(b) once each month, remit to the state treasurer the amounts collected under this section for the purposes of 61-3-121(5), 61-3-508, 61-3-510, 61-3-511, and 61-10-201.

(5) (a) The permanent registration of a vehicle allowed by this section may not be transferred to a new owner. If the vehicle is transferred to a new owner, the department shall cancel the vehicle's permanent registration.

(b) Upon transfer of a vehicle registered under this section to a new owner, the new owner shall apply for a certificate of ownership under 61-3-201 and file an application for registration under 61-3-303."

NEW SECTION. **Section 8. Notification to tribal governments.** The secretary of state shall send a copy of [this act] to each tribal government located on the seven Montana reservations.

NEW SECTION. **Section 9. Codification instruction.** [Section 1] is intended to be codified as an integral part of Title 7, chapter 14, part 1, and the provisions of Title 7, chapter 14, part 1, apply to [section 1].

~~NEW SECTION. **Section 7. Three-fifths vote required.** Because [section 1] authorizes the expenditure of a portion of the gasoline license tax and the special fuels use tax for providing transportation services to senior citizens and persons with disabilities and for other transportation services, Article VIII, section 6, of the Montana constitution requires a vote of three-fifths of the members of each house of the legislature for passage.~~

~~NEW SECTION. **SECTION 6. COORDINATION INSTRUCTION.** IF SENATE BILL NO. 393 AND [THIS ACT] ARE BOTH PASSED AND APPROVED, THEN SENATE BILL NO. 393, SECOND READING (YELLOW) COPY, IS AMENDED AS FOLLOWS:~~

~~TITLE, LINE 8:~~

~~**FOLLOWING: "USE OF"**~~

~~**INSERT: "A PORTION OF"**~~

~~PAGE 2, LINE 9:~~

~~**STRIKE: "\$25"**~~

1 ~~INSERT: "\$28"~~
2 ~~PAGE 2, LINE 11.~~
3 ~~STRIKE: "\$25"~~
4 ~~INSERT: "\$28"~~
5 ~~PAGE 2, LINE 13.~~
6 ~~STRIKE: "AND"~~
7 ~~PAGE 2, LINE 15.~~
8 ~~FOLLOWING: "COMMISSION"~~
9 ~~INSERT: "; AND"~~
10 ~~—— (D) REMIT TO THE STATE TREASURER \$3 FOR DEPOSIT IN THE STATE SPECIAL REVENUE ACCOUNT ESTABLISHED~~
11 ~~IN [SECTION 1 OF SENATE BILL NO. 448]"~~
12 ~~RENUMBER: SUBSEQUENT SECTIONS~~
13
14 NEW SECTION. Section 10. Effective date. [This act] is effective ~~July 1, 2001~~ ON PASSAGE AND
15 APPROVAL.
16
17 NEW SECTION. Section 11. Applicability. [This act] applies to ~~gasoline license tax and special~~
18 ~~fuel use tax liabilities incurred after June 30~~ REGISTRATIONS OF MOTOR VEHICLES OCCURRING AFTER DECEMBER
19 31, 2001.
20 - END -